

PLAINTIFF

Jermain Montiel

COURT CASE NUMBER

C07-43000-11

DEFENDANT

Officer M. Williams, et al

TYPE OF PROCESS

**See Below

SERVE



AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

City of San Jose

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

200 E. Santa Clara Street, San Jose, CA 95113

RICHARD W. WIEKING

CLERK

U.S. DISTRICT COURT

NO. DIST. OF CA. S.D.

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Anthony Boskovich
28 North First Street
Suite 600
San Jose, CA 95138-1210

Number of process to be served with this Form - 285

6

Number of parties to be served in this case

4

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

- Fold
1. Complaint and Civil Cover Sheet
 2. Application to Proceed In Forma Pauperis
 3. ADR Scheduling Order
 4. Order re Application to Proceed In Forma Pauperis

Fold

Signature of Attorney or other Originator requesting service on behalf of:

Betty Walton

☒ PLAINTIFF

☐ DEFENDANT

TELEPHONE NUMBER

408-535-5513

DATE

11/27/2007

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

4

District of Origin

No. 11

District to Serve

No. 11

Signature of Authorized USMS Deputy or Clerk

[Signature]

Date

12/06/07

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

12/14/07

Time

1100

am

pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges (including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

REMARKS:

12/14/07 City of San Jose Clerk's Office and Attorney's not accept service. EXECUTED

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

JERMAINE MONTIEL

SUMMONS IN A CIVIL CASE

CASE NUMBER: CV 07-05490 HRL

V.

OFFICER M. WILLIAMS, ET AL.

TO:

City of San Jose

200 E. Santa Clara Street
San Jose, CA 95113

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

Anthony Boskovich
Law Offices of Anthony Boskovich
28 North First Street
Suite 600
San Jose, Ca 95138-1210

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wisking
CLERK

November 27, 2007
DATE

Betty Walton
Betty Walton
(BY) DEPUTY CLERK

EXECUTED

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹

DATE

12/14/07

Name of SERVER (PRINT)

K. LEONG

TITLE

DUSM

Check one box below to indicate appropriate method of service



Served Personally upon the Defendant. Place where served: _____



Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

Returned unexecuted: S. JOSE CITY ATTORNEY'S OFFICE REFUSED
SERVICE CLAIMING ALL SERVICE FOR CITY OF S. JOSE TO
BE FORWARDED TO CITY CLERK'S OFFICE. CITY CLERK
REFUSE SERVICE CITING WRONG POINT OF CONTACT.

Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

UN Executed on

Date

12/14/07

Signature of Server

USMS

S. JOSE

Address of Server

EXECUTED

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.